

**IN THE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

HORTON HOMES, INC.,

Plaintiff,

V.

Case No.

LARUE BANDY, MARIE BANDY, PATRICK PRITCHETT, WILLIAM SHANER, ELSIE FONDREN AVERETTE, WILLIAM CRUTHIRDS, and SHERRIE CRUTHIRDS,

2:07-CV-506-MEF

Defendants.

**NOTICE CONCERNING
SETTLEMENT CONFERENCE AND MEDIATION**

In accordance with the Section 3 of the Court's Scheduling Order, plaintiff Horton Homes, Inc. reports that no settlement was reached and the parties do not believe that mediation will assist them in resolving this case short of trial.

/s/ *Sydney F. Frazier, Jr.*

Sydney F. Frazier, Jr. (FRA007)

/s/ James L. Paul

James L. Paul (Ga. Bar No. 567600)

/s/ *Thomas C. Grant*

Thomas C. Grant (Ga. Bar No. 297455)

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice Concerning Settlement Conference and Mediation has been filed using the CM/ECF system and copies have been served on counsel for the defendants as follows:

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This 11th day of June, 2008.

/s/ Sydney F. Frazier, Jr.
Of Counsel